

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**WESTERN SECTION
CIVIL ACTION
NO. 05-30066-MAP**

MATTHEW J. NATLE,)
)
 Plaintiff)
)
 v.)
)
 DENNIS O'CONNOR, ET AL.,)
 Defendants)
)

***ASSENTED TO MOTION TO REVOKE
COURT'S ORDER GRANTING DEFENDANTS' MOTION TO BIFURCATE***

The Plaintiff, Matthew J. Natle, hereby requests that the Court revoke the Order granting the Defendants' Motion to Bifurcate.

In support thereof, the plaintiff states the following:

1. The plaintiff had preliminarily prepared an opposition to the Defendants' Motion to Bifurcate.
2. Prior to filing his opposition, the parties agreed to mediation and toward that end filed a Joint Motion to Stay the Litigation of the Case, which was granted on October 5, 2005.
3. It was counsel for both parties' understanding that the Plaintiff's Opposition to the Motion to Bifurcate would not be filed with the Court, since the parties had agreed to stay the entire litigation of the case. Counsel for the plaintiff, Joan A.

Antonino, and counsel for the defendants, Edward M. Pikula, had a specific discussion and were in agreement regarding this matter on October 4, 2005.

4. Since the Court stayed the litigation of the case, any ruling by the Court on the Motion to Bifurcate should likewise be stayed¹.

5. Counsel for the defendants, Edward M. Pikula, has assented to this motion.

For these reasons, the plaintiff requests that the Court revoke the Order granting the Motion to Bifurcate.

DATED: October 25, 2005

Respectfully submitted,
The Plaintiff
By His Attorney,

/s/ Joan A. Antonino

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ASSENTED TO BY:

/s/ Edward M. Pikula

Edward M. Pikula

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¹ In the event the mediation before Judge Neiman is unsuccessful, the parties will request that a new Scheduling Order be issued, which includes a date for the filing of the opposition to the Defendants' Motion to Bifurcate.